

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

JASON REED, individually and
on behalf of all those
similarly situated,

Plaintiff,

v.

EMPIRE AUTO PARTS, INC., et
al.,

Defendants.

Civil No. 13-5220 (RMB/AMD)

AMENDED SCHEDULING ORDER

This Scheduling Order confirms the directives given to counsel during the telephone status conference held on January 7, 2015; and the Court noting the following appearances: Matthew D. Miller, Esquire, appearing on behalf of the plaintiff; and Richard L. Hertzberg, Esquire, appearing on behalf of the defendant; and for good cause shown:

IT IS on this **8th** day of **January 2015**, hereby **ORDERED**:

1. As set forth on the record, counsel shall file simultaneous letter submissions by no later than **January 14, 2015** addressing whether GPS tracking information falls within the confines of Federal Rule of Civil Procedure 26(b) as it relates to the named Plaintiff's individual claims.

2. Pretrial factual discovery as to the named Plaintiff shall be concluded by **February 17, 2015**.

All remaining factual discovery concerning the merits shall be concluded by **May 29, 2015**.

All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

3. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in *Hall v. Clifton Precision*, 150 F.R.D. 525 (E.D. Pa. 1993).

4. The parties shall submit to the Court a consent order regarding the parties' position as to whether the May 29, 2015 pretrial factual discovery deadline for discovery pertaining to the merits of the class claims should be stayed pending resolution of Plaintiff's conditional class certification motion. The consent order shall include any legal support, in proper legal citation form, for the parties' agreed upon position, in addition to language explicitly setting forth the parties' position as to whether further discovery is necessary with respect to Plaintiff's pending conditional class certification motion.

5. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of plaintiff concerning the merits shall be served upon counsel for defendant not later than **June 30, 2015**. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of defendant concerning the merits shall be served upon counsel for plaintiff not later than **July 31, 2015**. Each such report should be accompanied by the *curriculum vitae* of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **August 31, 2015**.

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to FED. R. EVID. 701 and *Teen-Ed v. Kimball International, Inc.*, 620 F.2d 399 (3d Cir. 1980).

6. Dispositive motions shall be filed with the Clerk of the Court no later than **September 25, 2015**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

7. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. Civ. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER
MAY RESULT IN THE IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P.
16(f).**

s/ Ann Marie Donio
ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Renée Marie Bumb